

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF TOP MATRIX
HOLDINGS LTD. FOR AN ORDER TO TAKE
DISCOVERY FOR USE IN FOREIGN
PROCEEDINGS PURSUANT TO 28 U.S.C. § 1782

ORDER

18 Misc. 465 (ER)

RAMOS, D.J.:

The Court is in receipt of the parties' letter motion of December 16, 2019 petitioning the Court to approve and authorize discovery as outlined in Exhibit A of their letter. Doc. 50. The parties jointly drafted the discovery proposal in accordance with this Court's Opinion & Order of December 2, 2019, which granted the petitioner's request for discovery pursuant to 28 U.S.C. § 1782 in part, denied it in part, and directed the parties to narrow the scope of discovery before final approval by this Court. Doc. 48.

The Court has reviewed the discovery proposal and finds that it is not "unduly intrusive or burdensome" under the fourth factor articulated in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 265 (2004). Accordingly, the petition of Top Matrix Holdings Ltd., Doc. 1, as modified by the Court's December 2 Opinion & Order and by Exhibit A of the parties' letter is GRANTED. *See Mees v. Buiter*, 793 F.3d 291, 302 (2d Cir. 2015) ("[I]t is far preferable for a district court to reconcile whatever misgivings it may have about the impact of its participation in the foreign litigation by issuing a closely tailored discovery order rather than by simply denying relief outright." (internal quotation marks and citation removed)). The Clerk of Court is directed to adjourn the conference scheduled for December 19, 2019, terminate the motion, Doc. 50, and close the case.

It is SO ORDERED.

Dated: December 17, 2019
New York, New York



EDGARDO RAMOS, U.S.D.J.